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Attorneys for Plaintiff
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Attorneys for Defendants
 APOGEE TECHNOLOGIES, INC.,
 PINNACLE RESEARCH INSTITUTE, INC.,
 and K.C. TSAI

UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

E-FILED - 8/4/05

NATIONAL ENERGY TECHNOLOGY
 CO., LTD.,

Plaintiff,

vs.

APOGEE TECHNOLOGIES, INC.,

Defendant.

Case No. C 03-05807 RMW (PVT)

STIPULATION OF DISMISSAL, WITHOUT
PREJUDICE (Fed. R. Civ. P. 41(a)(1))

AND ORDER

NATIONAL ENERGY TECHNOLOGY
 CO., LTD.,

Plaintiff,

vs.

PINNACLE RESEARCH INSTITUTE,
 INC. and K.C. TSAI,

Defendants.

Case No. C 03-05714 RMW (PVT)

1 WHEREAS, the parties to these lawsuits have been able to resolve their disputes pursuant
2 to a settlement agreement and related agreements, and

3 WHEREAS, the fulfillment of the parties' settlement will take place over time,

4 PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 41(a)(1), IT IS HEREBY
5 STIPULATED AND AGREED by and between the parties to these lawsuits through their
6 respective undersigned attorneys that the above-captioned lawsuits and each of the claims in them
7 are dismissed without prejudice, subject to this Court's retention of ongoing jurisdiction over the
8 lawsuits for the purpose of the fulfillment of the parties' settlement obligations and complete
9 settlement of their disputes.

10 Respectfully submitted,

11
12 Dated: July 5, 2005

SQUIRE, SANDERS & DEMPSEY L.L.P.

13 By: Michael E. Sobel

14 Michael E. Sobel

15 Attorneys for Plaintiff
16 NATIONAL ENERGY TECHNOLOGY CO.,
17 LTD.

18 Dated: July 5, 2005

KORDA, JOHNSON & WALL

19 By: Joe Wall

20 J. Joseph Wall, Jr.

21 Attorneys for Defendants
22 APOGEE TECHNOLOGIES, INC.,
23 PINNACLE RESEARCH INSTITUTE, INC.
24 and K.C. TSAI

25 PURSUANT TO STIPULATION, IT IS SO ORDERED.

26 Dated: August 4, 2005

/S/ RONALD M. WHYTE

27 UNITED STATES DISTRICT JUDGE
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